UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/438
1 October 1993

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 107

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

Report of the Secretary-General

I. INTRODUCTION

1. The General Assembly, by its resolution 3068 (XXVIII) of 30 November 1973, adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of Apartheid and appealed to all States to sign and ratify it as soon as possible.

2. By its resolution 3380 (XXX) of 10 November 1975, the General Assembly, convinced that ratification of or accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid on a universal basis and implementation of its provisions were necessary for the achievement of the goals of the Decade for Action to Combat Racism and Racial Discrimination, appealed to the Governments of all States to sign, ratify and implement the Convention without delay and requested the Secretary-General to submit to it annual reports on the status of the Convention.

3. By its resolution 31/80 of 13 December 1976, the General Assembly welcomed the entry into force on 18 July 1976 of the Convention, appealed to all States that had not yet become parties to the Convention to accede thereto, requested the Secretary-General to include in his annual report under General Assembly resolution 3380 (XXX) a special part concerning the implementation of the Convention, and decided to consider annually, starting with its thirty-second session, the question entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

4. By its resolution 47/81, of 16 December 1992, the General Assembly appealed once again to the States that had not yet done so to ratify or to accede to the Convention without further delay.

II. STATUS OF THE CONVENTION

5. In accordance with the provisions of its article XV, paragraph 1, the International Convention on the Suppression and Punishment of the Crime of Apartheid entered into force on 18 July 1976.

6. As at 31 August 1993, the total number of ratifications, accessions and successions to the Convention was 98. A list of States that have signed, ratified, acceded or succeeded to the Convention and the dates of their signature, ratification, accession or succession appears in the annex to the present report.

7. In paragraph 6 of its resolution 47/81, the General Assembly requested the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention.

III. IMPLEMENTATION OF THE CONVENTION

8. Under article VII of the Convention, the States parties undertake to submit periodic reports to the group established under article IX on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention. Copies of the reports are transmitted through the Secretary-General to the Special Committee against Apartheid.

9. In accordance with article IX, paragraphs 1 and 3, of the Convention, the Chairman of the Commission on Human Rights is authorized to appoint a group consisting of three members of the Commission, who are also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII. The group may meet for a period of not more than five days, either before the opening or after the closing date of the session of the Commission, to consider the reports submitted in accordance with article VII.

10. Under article X of the Convention, the States parties to the Convention empower the Commission on Human Rights to undertake a number of tasks enumerated therein, inter alia, to prepare, on the basis of reports from competent organs of the United Nations and periodic reports from States parties, a list of individuals, organizations, institutions and representatives of States that are alleged to be responsible for the crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by States parties to the Convention.

11. By its resolution 46/84 of 16 December 1991, the General Assembly commended those States parties to the Convention that had submitted their reports under article VII thereof and requested the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the forms of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa, and further requested the Secretary-General to include in his

next annual report a special section concerning the implementation of the Convention.

12. The Group of Three on the implementation of the Convention, appointed by the Chairman of the Commission on Human Rights under article IX of the Convention, was composed of the representatives of Burundi, the Russian Federation and Venezuela. The Group met at the United Nations Office at Geneva from 25 to 29 January 1993. It had before it reports submitted since the forty-seventh session of the Commission on Human Rights by seven States parties.

13. In its report to the Commission on Human Rights at its forty-ninth session (E/CN.4/1993/54), the Group of Three, inter alia, noted with great concern that, as at 31 December 1992, more than 190 reports were overdue under the Convention, and it strongly urged the States parties concerned to fulfil their reporting obligations and to expedite the submission of their overdue reports, as requested by the General Assembly in its resolution 47/81. The Group called upon all States parties to the Convention to incorporate in their legislation provisions relating to the "crime of apartheid", including practices of racial segregation and discrimination, in accordance with article II of the Convention, and to provide appropriate penalties in respect of persons guilty of the crime of apartheid, as stipulated in article IV (b) of the Convention, and in that connection it reiterated the view that consideration should be given to the drawing up of model legislation that would serve the States parties as a guide for the implementation of the provisions of the Convention. It wished to appeal once again to States parties, through the Commission on Human Rights, to strengthen their cooperation at the international level and to adopt legislative and administrative measures to implement fully and expeditiously, in accordance with the Charter of the United Nations, the decisions taken by the Security Council and other competent organs of the United Nations and its specialized agencies aimed at the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention. The Group wished to emphasize once again the importance of measures to be taken in the field of teaching and education for fuller implementation of the Convention and invited the States parties to include information on those measures in their reports. It also reiterated its opinion that the assistance given to national liberation movements in South Africa should be strengthened and called upon the international community to contribute generously to such movements. With reference to Economic and Social Council resolution 1992/34, of 30 July 1992, the Group joined the Council in inviting Governments, entrepreneurs and enterprises, including transnational corporations, to give their full and concerted support to the vulnerable and critical process now under way in South Africa, with a view to achieving the total eradication of the apartheid system and the establishment of a united, non-racial and democratic South Africa. While the Group noted that some progress had been made in South Africa and that a dialogue had taken place between the South African authorities and the political leaders of the majority of the people, it reiterated its conviction that the maintenance of comprehensive and mandatory sanctions, as well as other forms of pressure against the racist regime in South Africa, was an important and effective means available to the international community for putting an end to the system of apartheid. At the same time, the Group considered that it would be desirable to undertake serious efforts to bring to an end the policies and practices of apartheid of the Government of South Africa through negotiations based on the principle of justice and peace for all, as stated in

the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted unanimously by the General Assembly at its sixteenth special session in resolution S-16/1, of 14 December 1989.

14. By its resolution 1993/10, of 26 February 1993, entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid", the Commission on Human Rights took note with appreciation of the report of the Group of Three, and in particular of the conclusions and recommendations contained therein; recommended once again that all States parties should taken full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex); called upon all States whose transnational corporations continued to do business with South Africa to take appropriate steps to terminate their dealings with South Africa; appealed to States parties to strengthen their cooperation at the national and international levels in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid in accordance with article VI of the Convention and with the Charter of the United Nations; urged the resumption of genuine and broad-based negotiations for a democratic and non-racial South Africa; requested the international community to urge the Government of South Africa to repeal the remaining apartheid laws and introduce the necessary legal and administrative measures to correct the entrenched socio-economic inequalities; and requested the Group of Three to continue to meet every two years to consider the reports submitted by States parties in accordance with article VII of the Convention.

Annex

LIST OF STATES THAT HAVE SIGNED, RATIFIED, ACCEDED OR SUCCEEDED TO THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID AS AT 31 AUGUST 1993

State	Date of signature	Date of receipt of the instrument of ratification, accession or succession
Afghanistan		6 July 1983 a/
Algeria	23 January 1974	26 May 1982
Antigua and Barbuda		7 October 1982 a/
Argentina	6 June 1975	7 November 1985
Armenia		23 June 1993
Bahamas		31 March 1981 a/
Bahrain		27 March 1990 a/
Bangladesh		5 February 1985 a/
Barbados		7 February 1979 a/
Belarus	4 March 1974	2 December 1975
Benin	7 October 1974	30 December 1974
Bolivia		6 October 1983 a/
Bulgaria	27 June 1974	18 July 1974
Burkina Faso	3 February 1976	24 October 1978
Burundi		12 July 1978 a/
Cambodia		28 July 1981 a/
Cameroon		1 November 1976 a/
Cape Verde		12 June 1979 a/
Central African Republic		8 May 1981 a/
Chad	23 October 1974	23 October 1974
China		18 April 1983 a/
Colombia		23 May 1988 a/
Congo		5 October 1983 a/
Costa Rica		15 October 1985 a/
Croatia		12 October 1992 b/
Cuba		1 February 1977 a/
Czech Republic		22 February 1993 b/
Ecuador	12 March 1975	12 May 1975
Egypt		13 June 1977 a/
El Salvador		30 November 1979 a/
Estonia		21 October 1991 a/
Ethiopia		19 September 1978 a/
Gabon		29 February 1980 a/
Gambia		29 February 1978 a/
Ghana		1 August 1978 a/

State	Date of signature	Date of receipt of the instrument of ratification, accession or succession
	h 1974	3 March 1975
Guinea	1 Mar	30 September 1977 a/
Guyana		19 December 1977 a/
Haiti		20 June 1974
Hungary	26 Apr 1 1974	22 September 1977 a/
India		
Iran (Islamic Republic of)		18 April 1985 a/
Iraq	1 Jul 1975	9 July 1975
Jamaica	30 Mar h 1976	18 February 1977
Jordan	5 Jun 1974	1 July 1992
Kenya	2 Oct ber 1974	
Kuwait		23 February 1977 a/
Lao People's Democratic Republic		5 October 1981 a/
Latvia		14 April 1992 a/
Lesotho		4 November 1983 a/
Liberia		5 November 1976 a/
Libyan Arab Jamahiriya		8 July 1976 a/
Madagascar		26 May 1977 a/
Maldives		24 April 1984 a/
Mali		19 August 1977 a/
Mauritania		13 December 1988 a/
Mexico		4 March 1980 a/
Mongolia	17 May 1974	8 August 1975
Mozambique		18 April 1983 a/
Namibia		11 November 1982 a/
Nepal		12 July 1977 a/
Nicaragua		28 March 1980 a/
Niger		28 June 1978 a/
Nigeria	26 Jul e 1974	31 March 1977
Oman	3 Ap 11 1974	22 August 1991
Pakistan		27 February 1986 a/
Panama	7 Ma 1976	16 March 1977
Peru		1 November 1978 a/
Philippines	2 Ma 1974	26 January 1978
Poland	7 Ju e 1974	15 March 1976
Qatar	18 Ma ch 1975	19 March 1975

State	Date of signature	Date of receipt of the instrument of ratification, accession or succession
Romania	6 September 1974	15 August 1978
Russian Federation	12 February 1974	26 November 1975
Rwanda	15 October 1974	23 January 1981
Saint Vincent and the Grenadines		9 November 1981 a/
Sao Tome and Principe		5 October 1979 a/
Senegal		18 February 1977 a/
Seychelles		13 February 1978 a/
Slovakia		28 May 1993 b/
Slovenia		6 July 1992 b/
Somalia	2 August 1974	28 January 1975
Sri Lanka		18 February 1982 a/
Sudan	10 October 1974	21 March 1977
Suriname		3 June 1980 a/
Syrian Arab Republic	17 January 1974	18 June 1976
Togo		24 May 1984 a/
Trinidad and Tobago	7 April 1975	29 October 1979
Tunisia		21 January 1977 a/
Uganda	11 March 1975	10 June 1986
Ukraine	20 February 1974	10 November 1975
United Arab Emirates	9 September 1975	15 October 1975
United Republic of Tanzania		11 June 1976 a/
Venezuela		28 January 1983 a/
Viet Nam		9 June 1981 a/
Yemen		17 August 1987 a/
Yugoslavia	17 October 1974	1 July 1975
Zaire		11 July 1978 a/
Zambia		14 February 1983 a/
Zimbabwe		13 May 1991 a/

a/ Accession.

b/ Succession.